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CT Packing Slip

**UPS Tracking # :** 1ZX212780129940362**Created By :** BATCH BATCH**Created On :** 07/14/2022 07:52 PM**Recipient :****Lisa Smith**

Title : Legal Asst.

Customer : Trek Bicycle Corporation

Address : 801 W Madison St

Email : lisa_smith@trekbikes.com

Phone : -920-478-2191 ext. Fax : -

Package Type : Envelope**Items shipped :** 1

Log #	Case #	Entity Name
541920284	2022L005837	TREK BICYCLE CORPORATION



CT Corporation
Service of Process Notification
07/14/2022
CT Log Number 541920284

Service of Process Transmittal Summary

TO: Lisa Smith, Legal Asst.
Trek Bicycle Corporation
801 W Madison St
Waterloo, WI 53594-1379

RE: Process Served in Illinois

FOR: TREK BICYCLE CORPORATION (Domestic State: WI)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: JOSE ZUNIGA, // To: TREK BICYCLE CORPORATION
CASE #:	2022L005837
NATURE OF ACTION:	Product Liability Litigation - Personal Injury
PROCESS SERVED ON:	C T Corporation System, Chicago, IL
DATE/METHOD OF SERVICE:	By Process Server on 07/14/2022 at 05:20
JURISDICTION SERVED:	Illinois
ACTION ITEMS:	SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780129940362
REGISTERED AGENT CONTACT:	C T Corporation System 208 South LaSalle Street Suite 814 Chicago, IL 60604 866-539-8692 CorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



Wolters Kluwer

PROCESS SERVER DELIVERY DETAILS

Date: Thu, Jul 14, 2022
Server Name: Sheriff Drop

Entity Served	TREK BICYCLE CORPORATION
Case Number	2022L0059837
Jurisdiction	IL

Inserts



<p>earing Date: <u>07/12/2023</u> This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Courts.</p> <p>Location: <<Court Room Number>></p> <p>Judge: Calendar, F</p> <p>STATE OF ILLINOIS, CIRCUIT COURT</p> <p><u>Cook</u> <u>COUNTY</u></p>		<p>SUMMONS</p> <p>For Court Use Only</p> <p>* 5 0 1 8 4 5 3 4 * FILED 7/1/2022 10:38 AM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2022L005837 Calendar, F 18519182</p>	
<p>Instructions ▾</p> <p>Enter above the county name where the case was filed.</p> <p>Enter your name as Plaintiff/Petitioner.</p> <p>Enter the names of all people you are suing as Defendants/Respondents.</p> <p>Enter the Case Number given by the Circuit Clerk.</p>		<p>JOSE ZUNIGA Plaintiff / Petitioner (First, middle, last name)</p> <p>v.</p> <p>TREK BICYCLE CORPORATION, et al Defendant / Respondent (First, middle, last name)</p> <p><input type="checkbox"/> Alias Summons (Check this box if this is not the 1st Summons issued for this Defendant.)</p>	<p>2022 L 005837 Case Number</p>

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons, Small Claims Summons, or Summons Petition for Dissolution of Marriage / Civil Union* available at illinoiscourts.gov/documents-and-forms/approved-forms. If your case is a detinue or replevin, visit illinoislegalaid.org for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/Respondent.

1. Defendant/Respondent's address and service information:

a. Defendant/Respondent's primary address/information for service:

Name (First, Middle, Last): TREK BICYCLE CORPORATION

Registered Agent's name, if any: CT CORPORATION

Street Address, Unit #: 208 S. LASALLE, STE. 814

City, State, ZIP: CHICAGO, IL 60604

Telephone: _____ Email: _____

b. If you have more than one address where Defendant/Respondent might be found, list that here:

Name (First, Middle, Last): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____ Email: _____

c. Method of service on Defendant/Respondent:

Sheriff Sheriff outside Illinois: _____ County & State _____

Special process server

Licensed private detective

Enter the Case Number given by the Circuit Clerk: 2022

* 5 0 1 8 4 5 3 4 *

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

2. Information about the lawsuit:

Amount claimed: \$ 50,000.00

3. Contact information for the Plaintiff/Petitioner:

Name (First, Middle, Last): HALE & MONICO, LLC

Street Address, Unit #: 53 West Jackson

City, State, ZIP: Chicago

Telephone: Email: ld@halemonico.com

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Important information for the person getting this form

You have been sued. Read all of the documents attached to this *Summons*.To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.4. Instructions for person receiving this *Summons* (Defendant):

a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:

Address: _____

City, State, ZIP: _____

b. Attend court:

On: _____ at _____ a.m. p.m. in _____
Date _____ Time _____ Courtroom _____

In-person at:

Courthouse Address _____ City _____ State _____ ZIP _____

OR

Remotely (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance"):

By telephone: _____

Call-in number for telephone remote appearance _____

By video conference: _____

Video conference website _____

Video conference log-in information (meeting ID, password, etc.) _____

Call the Circuit Clerk at: _____ or visit their website

Circuit Clerk's phone number _____

at: _____ to find out more about how to do this.

Website _____

STOP!
The Circuit Clerk will fill in this section.

STOP!
The officer or process server will fill in the Date of Service.

Witness this Date: _____

7/1/2022 10:38 AM IRIS Y. MARTINEZ

Clerk of the Court: _____

This *Summons* must be served within 30 days of the witness date.

Date of Service: _____

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

Seal of Court

This form is approved by the Illinois Supreme Court and is required to be accepted in all 

STATE OF ILLINOIS, CIRCUIT COURT		PROOF OF SERVICE OF · SUMMONS AND COMPLAINT/PETITION	For Court Use Only * 5 0 1 8 4 5 3 4 *
Cook COUNTY			
Instructions Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.		JOSE ZUNIGA <i>Plaintiff / Petitioner (First, middle, last name)</i> TREK BICYCLE CORPORATION, et al <i>Defendant / Respondent (First, middle, last name)</i> <input type="checkbox"/> Alias Summons <i>(Check this box if this is not the 1st Summons issued for this Defendant.)</i>	
		2022 L 005837 Case Number	

****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****

My name is _____ and I state
First, Middle, Last

I served the **Summons** and Complaint/Petition on the Defendant/Respondent

as follows:

First, Middle, Last

Personally on the Defendant/Respondent:

Male Female Non-Binary Approx. Age: _____ Race: _____
 On this date: _____ at this time: _____ a.m. p.m.

Address, Unit#:

City, State, ZIP:

On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:

On this date: _____ at this time: _____ a.m. p.m.

Address, Unit#:

City, State, ZIP:

And left it with:

First, Middle, Last

Male Female Non-Binary Approx. Age: _____ Race: _____

and by sending a copy to this defendant in a postage-paid, sealed envelope to the above address on _____, 20 _____

On the Corporation's agent,

First, Middle, Last

Male Female Non-Binary Approx. Age: _____ Race: _____

On this date: _____ at this time: _____ a.m. p.m.

Address:

City, State, ZIP:

Enter the Case Number given by the Circuit Clerk: 2022

 I was not able to serve the **Summons** and Complaint/Petition on Defendant/Respondent:

* 5 0 1 8 4 5 3 4 *

First, Middle, Last

I made the following attempts to serve the **Summons** and Complaint/Petition on the Defendant/Respondent:1. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

_____2. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

_____3. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

By:

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

Signature by: Sheriff Sheriff outside Illinois: _____**FEES**

Service and Return: \$ _____

Miles _____ \$ _____

Total \$ 0.00

County and State Special process server Licensed private detective

Print Name _____

If **Summons** is served by licensed private detective or private detective agency:

License Number: _____

<p>earing Date: <u>Not furnished by the Illinois Supreme Court and is required to be accepted in all Courts of the State</u> Location: <>Court Room Number: Judge: Calendar, F</p> <p>STATE OF ILLINOIS, CIRCUIT COURT</p> <p><u>Cook</u> <u>COOK COUNTY</u></p>		<p>SUMMONS</p> <p><i>For Court Use Only</i></p> <p>* 5 0 1 8 4 5 3 4 * FILED 7/1/2022 10:38 AM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2022L005837 Calendar, F 18519182</p>
<p>Instructions ▾</p> <p>Enter above the county name where the case was filed.</p> <p>Enter your name as Plaintiff/Petitioner.</p> <p>Enter the names of all people you are suing as Defendants/Respondents.</p> <p>Enter the Case Number given by the Circuit Clerk.</p>		<p>JOSE ZUNIGA Plaintiff / Petitioner (First, middle, last name)</p> <p>V.</p> <p>TREK BICYCLE CORPORATION, et al Defendant / Respondent (First, middle, last name)</p> <p><input type="checkbox"/> Alias Summons (Check this box if this is not the 1st Summons issued for this Defendant.)</p>

<p>IMPORTANT INFORMATION:</p> <p>There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.</p> <p>E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.</p> <p>Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.</p>
<p>Plaintiff/Petitioner:</p> <p>Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the <i>Eviction Summons, Small Claims Summons, or Summons Petition for Dissolution of Marriage / Civil Union</i> available at illinoiscourts.gov/documents-and-forms/approved-forms. If your case is a detinue or replevin, visit illinoislegalaid.org for help.</p> <p>If you are suing more than 1 Defendant/Respondent, fill out a <i>Summons</i> form for each Defendant/Respondent.</p>

<p>In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.</p>	<p>1. Defendant/Respondent's address and service information:</p> <p>a. Defendant/Respondent's primary address/information for service:</p> <p>Name (First, Middle, Last): <u>TREK BICYCLE CORPORATION</u> Registered Agent's name, if any: <u>CT CORPORATION</u> Street Address, Unit #: <u>208 S. LASALLE, STE. 814</u> City, State, ZIP: <u>CHICAGO, IL 60604</u> Telephone: _____ Email: _____</p>
<p>In 1b, enter a second address for Defendant/Respondent, if you have one.</p>	<p>b. If you have more than one address where Defendant/Respondent might be found, list that here:</p> <p>Name (First, Middle, Last): _____ Street Address, Unit #: _____ City, State, ZIP: _____ Telephone: _____ Email: _____</p>
<p>In 1c, check how you are sending your documents to Defendant/Respondent.</p>	<p>c. Method of service on Defendant/Respondent:</p> <p><input checked="" type="checkbox"/> Sheriff <input type="checkbox"/> Sheriff outside Illinois: _____ <input type="checkbox"/> Special process server <input type="checkbox"/> Licensed private detective</p>

Enter the Case Number given by the Circuit Clerk: 2022



In 2, enter the amount of money owed to you.

2. **Information about the lawsuit:**Amount claimed: \$ 50,000.00

* 5 0 1 8 4 5 3 4 *

In 3, enter your complete address, telephone number, and email address, if you have one.

3. **Contact information for the Plaintiff/Petitioner:**Name (First, Middle, Last): HALE & MONICO, LLCStreet Address, Unit #: 53 West JacksonCity, State, ZIP: ChicagoTelephone: _____ Email: ld@halemonico.com

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Important information for the person getting this form

You have been sued. Read all of the documents attached to this *Summons*. To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.

Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.

In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In 4b, fill out:

- The court date and time the clerk gave you.
- The courtroom and address of the court building.
- The call-in or video information for remote appearances (if applicable).
- The clerk's phone number and website. All of this information is available from the Circuit Clerk.

4. **Instructions for person receiving this *Summons* (Defendant):**

a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:

Address: _____

City, State, ZIP: _____

b. Attend court:

On: _____ at _____ a.m. p.m. in _____
Date _____ Time _____ Courtroom

In-person at:

Courthouse Address _____ City _____ State _____ ZIP _____

OR

Remotely (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance"):

By telephone: _____
Call-in number for telephone remote appearanceBy video conference: _____
Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: _____ or visit their website
Circuit Clerk's phone number

at: _____ Website _____ to find out more about how to do this.

STOP!

The Circuit Clerk will fill in this section.

STOP!

The officer or process server will fill in the Date of Service.

Witness this Date:

7/1/2022 10:38 AM IRIS Y. MARTINEZ

Clerk of the Court:

This *Summons* must be served within 30 days of the witness date.

Date of Service:

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

Seal of Court

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT		PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION	For Court Use Only * 5 0 1 8 4 5 3 4 *
Cook COUNTY			
Instructions Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.		JOSE ZUNIGA <i>Plaintiff / Petitioner (First, middle, last name)</i> v. TREK BICYCLE CORPORATION, et al <i>Defendant / Respondent (First, middle, last name)</i> <input type="checkbox"/> Alias Summons <i>(Check this box if this is not the 1st Summons issued for this Defendant.)</i>	
		2022 L 005837 Case Number	

****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****My name is _____ and I state
First, Middle, Last I served the **Summons and Complaint/Petition** on the Defendant/Respondent

as follows:

First, Middle, Last Personally on the Defendant/Respondent:Male Female Non-Binary Approx. Age: _____ Race: _____On this date: _____ at this time: _____ a.m. p.m.

Address, Unit#: _____

City, State, ZIP: _____

 On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:On this date: _____ at this time: _____ a.m. p.m.

Address, Unit#: _____

City, State, ZIP: _____

And left it with: _____

*First, Middle, Last*Male Female Non-Binary Approx. Age: _____ Race: _____

and by sending a copy to this defendant in a postage-paid, sealed envelope to the

above address on _____, 20 _____

 On the Corporation's agent, _____*First, Middle, Last*Male Female Non-Binary Approx. Age: _____ Race: _____On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Enter the Case Number given by the Circuit Clerk: 2022



I was not able to serve the **Summons** and Complaint/Petition on Defendant/Respondent:

* 5 0 1 8 4 5 3 4 *

First, Middle, Last

I made the following attempts to serve the **Summons** and Complaint/Petition on the Defendant/Respondent:

1. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

2. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

3. On this date: _____ at this time: _____ a.m. p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

By:

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

Signature by: Sheriff**FEES**

Service and Return: \$ _____

Miles _____ \$ _____

Total \$ 0.00

County and State
 Special process server
 Licensed private detective

Print Name _____

If **Summons** is served by licensed private detective or private detective agency:

License Number: _____

Il Law Division initial Case Management Dates will be heard via **12 Person Jury**
 or more information and Zoom Meeting IDs go to https://www.cookcountycourt.org/HOME/Zoom-Links/Agg4906_SelectTab/12
 remote Court date: 8/31/2022 9:30 AM

* 5 0 1 8 4 5 3 4 *

FILED
 6/29/2022 4:18 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 18493078

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION

JOSE ZUNIGA,)	No.
)	
Plaintiff,)	
)	
v.)	<i>Plaintiff Demands Trial By Jury</i>
)	
TREK BICYCLE CORPORATION.,)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY)	<i>Plaintiff Demands Trial By Jury</i>
)	
)	
Defendants.)	

COMPLAINT AT LAW
COUNT I

Product Liability/ Trek Bicycle Corporation/ Personal Injury

Plaintiff, JOSE ZUNIGA, complaining of defendants, TREK BICYCLE CORPORATION., and JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY., (hereinafter referred to as “TREK” and “VILLAGE CYCLERY”) states:

1. On and before July 1, 2020, defendant, TREK, was in the business of designing, manufacturing, distributing, selling and/or otherwise placing into the stream of commerce certain products commonly known as bicycles.
2. On and before July 1, 2020, defendant, TREK, designed, manufactured, distributed, sold and/or otherwise placed into the stream of commerce certain bicycle known as a TREK 820, serial number WTU221LK0068P.
3. On July 1, 2020, plaintiff, JOSE ZUNIGA, was riding said bicycle at or near the intersection of 31st beach and Lake Shore Drive in the City of Chicago, County of Cook, State of Illinois.



* 5 0 1 8 4 5 3 4 *

4. At said time and place, as he was riding said bicycle, the bicycle broke apart causing plaintiff to fall to the ground and sustain injury.

5. At all times relevant, plaintiff was using said bicycle in an intended and/or foreseeable manner.

6. On July 1, 2020 and at the time it left the control of the defendant, the bicycle was in a defective and unreasonably dangerous condition in one or more of the following ways:

- a. It was designed, manufactured, distributed and sold with insufficient strength to keep from breaking apart during intended and/or reasonably foreseeable use.
- b. It was designed, manufactured, distributed and sold without any warning that it could break apart during intended and/or reasonably foreseeable use.
- c. It was designed, manufactured, distributed and sold without adequate, sufficient or reasonable instruction as to proper inspection and/or maintenance.
- d. It was designed, manufactured, distributed and sold without adequate, sufficient or reasonable instruction as to limitations on its safe use.

7. As a proximate result of one or more of these defective conditions, plaintiff sustained injuries of a personal and pecuniary nature.

WHEREFORE, plaintiff, JOSE ZUNIGA, demands judgment against defendant, TREK BICYCLE CORPORATION, for a sum in excess of the jurisdictional limit of the Law Division of the Circuit Court of Cook County, Illinois.

COUNT II

Negligence / Trek Bicycle Corporation / Bicycle Breaks Apart / Personal Injury



* 5 0 1 8 4 5 3 4 *

Plaintiff, JOSE ZUNIGA, complaining of defendants, TREK BICYCLE CORPORATION., and JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY., (hereinafter referred to as "TREK" and "VILLAGE CYCLERY") states:

1. 1. On and before July 1, 2020, defendant, TREK, was in the business of designing, manufacturing, distributing, selling and/or otherwise placing into the stream of commerce certain products commonly known as bicycles.

2. On and before July 1, 2020, defendant, TREK, designed, manufactured, distributed, sold and/or otherwise placed into the stream of commerce certain bicycle known as a TREK 820, serial number WTU221LK0068P.

3. On July 1, 2020, plaintiff, JOSE ZUNIGA, was riding said bicycle at or near the intersection of 31st beach and Lake Shore Drive in the City of Chicago, County of Cook, State of Illinois.

4. At said time and place, as he was riding said bicycle, the bicycle broke apart causing plaintiff to fall to the ground and sustain injury.

5. At all times relevant, plaintiff was using said bicycle in an intended and/or foreseeable manner.

6. On or before July 1, 2020, defendant, TREK, was negligent in one or more of the following ways:

- a. It designed, manufactured, distributed and sold the bicycle with insufficient strength to keep from breaking apart during intended and/or reasonably foreseeable use.
- b. It designed, manufactured, distributed and sold the bicycle without any warning that it could break apart during intended and/or reasonably foreseeable use.



* 5 0 1 8 4 5 3 4 *

- c. It designed, manufactured, distributed and sold the bicycle without adequate, sufficient or reasonable instruction as to proper inspection and/or maintenance.
- d. It designed, manufactured, distributed and sold the bicycle without adequate, sufficient or reasonable instruction as to limitations on its safe use.

7. As a proximate result of one or more of these defective conditions, plaintiff sustained injuries of a personal and pecuniary nature.

WHEREFORE, plaintiff, JOSE ZUNIGA, demands judgment against defendant, TREK BICYCLE CORPORATION, for a sum in excess of the jurisdictional limit of the Law Division of the Circuit Court of Cook County, Illinois.

COUNT III

Negligence / Village Cyclery

Plaintiff, JOSE ZUNIGA, complaining of defendants, TREK BICYCLE CORPORATION., and JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY., (hereinafter referred to as "TREK" and "VILLAGE CYCLERY") states:

1. On and before July 1, 2020, defendant, VILLAGE CYCLERY, was in the business of selling, distributing, maintaining, building, assembling, and repairing certain products commonly known as bicycles.

2. On and before July 1, 2020, defendant, VILLAGE CYCLERY, assembled Plaintiff's bicycle known as a TREK 820, serial number WTU221LK0068P.

3. On July 1, 2020, plaintiff, JOSE ZUNIGA, was riding said bicycle at or near the intersection of 31st beach and Lake Shore Drive in the City of Chicago, County of Cook, State of Illinois.



* 5 0 1 8 4 5 3 4 *

4. At said time and place, as he was riding said bicycle, the bicycle broke apart causing plaintiff to fall to the ground and sustain injury.

5. At all times relevant, plaintiff was using said bicycle in an intended and/or foreseeable manner.

6. On or before July 1, 2020, defendant, VILLAGE CYCLERY, was negligent in one or more of the following ways:

- a. It assembled and/or repaired the bicycle with insufficient strength to keep from breaking apart during intended and/or reasonably foreseeable use.
- b. It assembled and/or repaired the bicycle without any warning that it could break apart during intended and/or reasonably foreseeable use.
- c. It assembled and/or repaired the bicycle without adequate, sufficient or reasonable instruction as to proper inspection and/or maintenance.
- d. It assembled and/or repaired the bicycle without adequate, sufficient or reasonable instruction as to limitations on its safe use.

7. As a proximate result of one or more of these defective conditions, plaintiff sustained injuries of a personal and pecuniary nature.

WHEREFORE, plaintiff, JOSE ZUNIGA, demands judgment against defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, for a sum in excess of the jurisdictional limit of the Law Division of the Circuit Court of Cook County, Illinois.

Respectfully Submitted,

/s/ Brian T. Monico



* 5 0 1 8 4 5 3 4 *

Brian T. Monico
Attorney for Plaintiff
53 W. Jackson Blvd. Ste. 337
Chicago, IL 60604
BTM@HaleMonico.com
Atty# 63360



* 5 0 1 8 4 5 3 4 *

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.)
TREK BICYCLE CORPORATION.,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY)
Defendants.)
No.)
Plaintiff Demands Trial By Jury

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222(B)

Pursuant to Supreme Court Rule 222(B), counsel for the above-named Plaintiff certifies that the Plaintiff seeks money damages in excess of \$50,000.00.

Respectfully submitted,

By: s/ Brian T. Monico
One of Plaintiff's Attorneys

Brian T. Monico
Hale & Monico, LLC.
53 W. Jackson Blvd. Ste. 337
Chicago, Illinois 60604
312-870-6901
btm@halemonico.com
Atty. No.: 63360



* 5 0 1 8 4 5 3 4 *

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.)
TREK BICYCLE CORPORATION,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY)
Defendants.)
No. *Plaintiff Demands Trial By Jury*

JURY DEMAND

Plaintiff, JOSE ZUNIGA, hereby demands trial by jury of this matter.

By: s/ Brian T. Monico
One of Plaintiff's Attorneys

Hale & Monico, LLC.
53 W. Jackson Blvd. Ste. 337
Chicago, Illinois 60604
312-870-6923
btm@halemonico.com
Atty. No.: 63360



* 5 0 1 8 4 5 3 4 *

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.)
TREK BICYCLE CORPORATION.,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY)
Defendants.)
No. *Plaintiff Demands Trial By Jury*

JURY DEMAND

Plaintiff, JOSE ZUNIGA, hereby demands trial by jury of this matter.

By: s/ Brian T. Monico
One of Plaintiff's Attorneys

Hale & Monico, LLC.
53 W. Jackson Blvd. Ste. 337
Chicago, Illinois 60604
312-870-6923
btm@halemonico.com
Atty. No.: 63360

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

RTO/TBK

59142/59514

FILED
8/11/2022 4:48 PM

Firm I.D. No. 59514

IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L005837Calendar, F
19056306

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA

)

Plaintiff,

)

Case No. 2022 L 005837
Calendar F

v.

)

TREK BICYCLE CORPORATION and
 JOHN SHERMAN GOTSCHELL d/b/a
 VILLAGE CYCLERY

)

)

)

)

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)

Defendants.

)

**DEFENDANT TREK BICYCLE CORPORATION'S ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S COMPLAINT AT LAW**

NOW COMES Defendant, TREK BICYCLE CORPORATION ("TREK"), by and through its attorneys, Gass Turek LLC, and, for its Answer and Affirmative Defenses to Plaintiff's Complaint at Law, states as follows:

**COUNT I: PRODUCT LIABILITY/TREK BICYCLE CORPORATION/
PERSONAL INJURY**

1. On and before July 1, 2020, defendant, TREK, was in the business of designing, manufacturing, distributing, selling and/or otherwise placing into the stream of commerce certain products commonly known as bicycles.

ANSWER: TREK admits the allegations in this paragraph.

2. On and before July 1, 2020, defendant, TREK, designed, manufactured, distributed, sold and/or otherwise placed into the stream of commerce certain bicycle known as a TREK 820, serial number WTU221LK0068P.

ANSWER: TREK admits the allegations in this paragraph, except that it denies that it manufactured the subject bicycle referenced in this paragraph.

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3. On July 1, 2020, plaintiff, JOSE ZUNIGA, was riding said bicycle at or near the intersection of 31st beach and Lake Shore Drive in the City of Chicago, County of Cook, State of Illinois.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

4. At said time and place, as he was riding said bicycle, the bicycle broke apart causing plaintiff to fall to the ground and sustain injury.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

5. At all times relevant, plaintiff was using said bicycle in an intended and/or foreseeable manner.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

6. On July 1, 2020 and at the time it left the control of the defendant, the bicycle was in a defective and unreasonably dangerous condition in one or more of the following ways:

- a. It was designed, manufactured, distributed and sold with insufficient strength to keep from breaking apart during intended and/or reasonably foreseeable use.
- b. It was designed, manufactured, distributed and sold without any warning that it could break apart during intended and/or reasonably foreseeable use.
- c. It was designed, manufactured, distributed and sold without adequate, sufficient or reasonable instruction as to proper inspection and/or maintenance.
- d. It was designed, manufactured, distributed and sold without adequate, sufficient or reasonable instruction as to limitations on its safe use.

ANSWER: TREK denies the allegations in this paragraph, including all subparts.

7. As a proximate result of one or more of these defective conditions, plaintiff sustained injuries of a personal and pecuniary nature.

ANSWER: TREK denies the allegations in this paragraph, including all subparts.

WHEREFORE, TREK BICYCLE CORPORATION denies that Plaintiff is entitled to judgment against it in the amounts sought or any sums whatsoever, prays for entry of judgment in its favor and

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against Plaintiff, for an award of its attorneys' fees and costs wrongfully incurred herein, and for such other and further relief as the Court deems appropriate.

**COUNT II: NEGLIGENCE/TREK BICYCLE CORPORATION/
BICYCLE BREAKS APART/PERSONAL INJURY**

1. On and before July 1, 2020, defendant, TREK, was in the business of designing, manufacturing, distributing, selling and/or otherwise placing into the stream of commerce certain products commonly known as bicycles.

ANSWER: TREK admits the allegations in this paragraph.

2. On and before July 1, 2020, defendant, TREK, designed, manufactured, distributed, sold and/or otherwise placed into the stream of commerce certain bicycle known as a TREK 820, serial number WTU221LK0068P.

ANSWER: TREK admits the allegations in this paragraph, except that it denies that it manufactured the subject bicycle referenced in this paragraph.

3. On July 1, 2020, plaintiff, JOSE ZUNIGA, was riding said bicycle at or near the intersection of 31st beach and Lake Shore Drive in the City of Chicago, County of Cook, State of Illinois.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

4. At said time and place, as he was riding said bicycle, the bicycle broke apart causing plaintiff to fall to the ground and sustain injury.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

5. At all times relevant, plaintiff was using said bicycle in an intended and/or foreseeable manner.

ANSWER: TREK lacks information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore denies same and demands strict proof thereof.

6. On or before July 1, 2020, defendant, TREK, was negligent in one or more of the following ways:

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- a. It designed, manufactured, distributed and sold the bicycle with insufficient strength to keep from breaking apart during intended and/or reasonably foreseeable use.
- b. It designed, manufactured, distributed and sold the bicycle without any warning that it could break apart during intended and/or reasonably foreseeable use.
- c. It designed, manufactured, distributed and sold the bicycle without adequate, sufficient or reasonable instruction as to proper inspection and/or maintenance.
- d. It designed, manufactured, distributed and sold the bicycle without adequate, sufficient or reasonable instruction as to limitations on its safe use.

ANSWER: TREK denies the allegations in this paragraph, including all subparts.

7. As a proximate result of one or more of these defective conditions, plaintiff sustained injuries of a personal and pecuniary nature.

ANSWER: TREK denies the allegations in this paragraph, including all subparts.

WHEREFORE, TREK BICYCLE CORPORATION denies that Plaintiff is entitled to judgment against it in the amounts sought or any sums whatsoever, prays for entry of judgment in its favor and against Plaintiff, for an award of its attorneys' fees and costs wrongfully incurred herein, and for such other and further relief as the Court deems appropriate.

COUNT III: NEGLIGENCE/VILLAGE CYCLERY

Defendant TREK BICYCLE CORPORATION makes no response to the allegations of this Count of Plaintiff's Complaint at Law as these allegations are not directed at and seek no relief from TREK BICYCLE CORPORATION. To the extent any of these allegations are construed as directed to Defendant TREK BICYCLE CORPORATION, then TREK denies the allegations contained in this Count of Plaintiff's Complaint at Law.

WHEREFORE, TREK BICYCLE CORPORATION denies that Plaintiff is entitled to judgment against it in the amounts sought or any sums whatsoever, prays for entry of judgment in its

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favor and against Plaintiff, for an award of its attorneys' fees and costs wrongfully incurred herein, and for such other and further relief as the Court deems appropriate.

FIRST AFFIRMATIVE DEFENSE
Comparative Fault of Plaintiff Jose Zuniga

1. At all relevant times and places, Plaintiff JOSE ZUNIGA had a duty to himself and others to act in a safe, reasonable, and non-negligent manner so as to avoid injury and damage to himself and others.

2. That at the time and place complained of in Plaintiff's Complaint at Law, the Plaintiff JOSE ZUNIGA committed one or more of the following acts of contributory negligence which were a cause or the sole cause of his injuries and damages:

- a. Improperly used the subject bicycle;
- b. Failed to read the operator's manual and/or heed any warnings or instructions associated with the bicycle;
- c. Failed to wear personal protective equipment, such as a helmet, as recommended by the bicycle's operator's manual;
- d. Failed to ensure the bicycle was in a safe and proper condition prior to using it;
- e. Failed to inspect the bicycle prior to using it; and
- f. Was otherwise careless and negligent.

3. As a direct and proximate result of the foregoing, the Plaintiff JOSE ZUNIGA caused or contributed to his alleged injuries and damages.

4. In the event that Plaintiff JOSE ZUNIGA's conduct is determined to have exceeded 50% of the proximate cause of the Plaintiff's alleged injuries and damages, then Plaintiff will be barred from any recovery.

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5. In the event that Plaintiff JOSE ZUNIGA's conduct is determined to have been 50% or less of the proximate cause of the Plaintiff's alleged injuries and damages, then Plaintiff's recovery must be proportionately reduced.

WHEREFORE, Defendant TREK BICYCLE CORPORATION denies that Plaintiff is entitled to judgment in any sum and prays that Plaintiff's Complaint at Law be dismissed with prejudice with the costs of the suit taxed to Plaintiff. Defendant further prays that if the trier of fact finds in favor of Plaintiff and against Defendant on the question of liability, that any award of damages to Plaintiff be barred or reduced commensurate with that degree of contributory negligence attributable to Plaintiff JOSE ZUNIGA in causing his own injuries.

SECOND AFFIRMATIVE DEFENSE
Product Misuse - Plaintiff

1. At the time and place alleged in Plaintiff's Complaint at Law, Plaintiff JOSE ZUNIGA was under an obligation to use the bicycle in question in the manner for which it was ordinarily intended.

2. Notwithstanding that obligation, at the time and place alleged in Plaintiff's Complaint at Law, Plaintiff JOSE ZUNIGA improperly used the bicycle in a manner for which it was not ordinarily intended, including but not limited to the following ways:

- a. Failed to wear personal protective equipment, such as a helmet, as recommended by the bicycle's operator's manual;
- b. Failed to read and/or follow the instructions set forth in the bicycle's operator's manual;
- c. Failed to ensure the bicycle was in a safe and proper condition prior to using it;
- d. Failed to inspect the bicycle prior to using it;

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e. Failed to perform the necessary maintenance on the bicycle, as required by the operator's manual; and

f. Otherwise failed to use the bicycle in a proper manner for which it was ordinarily intended.

3. The incident and any injuries alleged in Plaintiff's Complaint were a direct and proximate result of one or more acts of misuse of the bicycle by Plaintiff JOSE ZUNIGA.

4. As a result, any recovery to which Plaintiff may be entitled must be barred or reduced in an amount commensurate with the relative degree of culpability attributable to Plaintiff JOSE ZUNIGA in causing the occurrence and his own injuries.

WHEREFORE, Defendant TREK BICYCLE CORPORATION requests a reduction in any award entered in Plaintiff's favor in an amount commensurate with Plaintiff JOSE ZUNIGA's own degree of culpability in causing the occurrence and his injuries, or barring Plaintiff's recovery if his culpability exceeds 50%.

THIRD AFFIRMATIVE DEFENSE
Statute of Limitations

Plaintiff's claims are barred by all applicable statutes of limitation and repose, including but not limited to, 735 ILCS 5/13-202, as well as by the doctrine of laches.

RESERVATION AND ADOPTION

Defendant TREK BICYCLE CORPORATION reserves its rights to amend and supplement its affirmative defenses as appropriate based on additional investigation and discovery. Defendant also adopts, as appropriate and applicable and to the extent not inconsistent with its defenses herein, all affirmative and other defenses of its co-defendant.

WHEREFORE, Defendant TREK BICYCLE CORPORATION denies that Plaintiff is entitled to judgment in any sum and prays that Plaintiff's' Complaint at Law be dismissed with

22 L 5837

prejudice with the costs of the suit taxed to Plaintiff. Defendant further prays that if the trier of fact finds in favor of Plaintiff and against Defendant on the question of liability, that any award of damages to Plaintiff be reduced or barred based upon the aforesaid Affirmative Defenses.

TREK BICYCLE CORPORATION

By: s/ Tamar B. Kelber
One of its attorneys

AFFIDAVIT OF INSUFFICIENT KNOWLEDGE

Tamar B. Kelber, being first duly sworn on oath, deposes and states that she is one of the attorneys for the Defendant TREK BICYCLE CORPORATION in the above-entitled cause, that she is informed as to the allegations of insufficiency of knowledge to form a belief in the foregoing Answer and Affirmative Defenses, and that on the basis of such information, she believes said allegations of insufficient knowledge to be true.

s/Tamar B. Kelber

Tamar B. Kelber
ARDC No. 6225308
Richard T. Orton
ARDC No. 6309840
241 North Broadway Avenue, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300 – phone
(414) 224-6116 – fax
kelber@gassturek.com
orton@gassturek.com

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

CASE MANAGEMENT ORDER – CATEGORY 2 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **26 months** following the filing of the complaint.
- This order **does not alter** the application of Illinois Supreme Court Rule 218 – the **60-day rule**.
- **Fill in all blanks.** **Months after**

	<u>Months after Complaint filed</u>	<u>Date</u>
Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, audit trail produced, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than	3	_____
Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than	6	_____
Rule 213(f)(2) subpoenas issued no later than	8	_____
Rule 213(f)(1) depositions completed no later than	12	_____
Interim CMC @ _____ M.	12	_____
Rule 213(f)(2) depositions completed no later than	15	_____
Dispositive motions filed and Rule 215 & 216 discovery completed no later than	16	_____
Rule 213(f)(3) disclosures completed no later than	19	_____
Rule 213(f)(3) depositions completed no later than	24	_____
Case management for trial certification at _____ a.m.	26	_____

FAILURE OF ANY PARTY TO COMPLY WITH
THIS CMC ORDER WILL BE A BASIS FOR
SCR 219(C) SANCTIONS. FAILURE OF ANY
PARTY TO ENFORCE THIS CMC ORDER
WILL CONSTITUTE A WAIVER OF SUCH
DISCOVERY BY THAT PARTY.

ENTERED
Circuit Cou

Circuit Court Judge

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

RTO/TBK

59142/59514

FILED
 8/11/2022 4:48 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 Firm I.D. N 59514
 COOK COUNTY, IL
 2022L005837

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA

)

)

Plaintiff,

)

Case No. 2022 L 005837

)

)

v.

)

)

TREK BICYCLE CORPORATION and
 JOHN SHERMAN GOTSCHELL d/b/a
 VILLAGE CYCLERY

)

)

)

)

Defendants.

)

NOTICE OF FILING

TO: Brian T. Monico
 Hale Monico
 53 W. Jackson Blvd., Ste. 337
 Chicago, IL 60604
BTM@HaleMonico.com

I, Tamar B. Kelber, state that on August 11, 2022, I electronically filed a Notice of Appearance and Defendant Trek Bicycle Corporation's Answer and Affirmative Defenses to Plaintiff's Complaint at Law with the Clerk of the Circuit Court for Cook County, Illinois.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/Tamar B. Kelber

Tamar B. Kelber

CERTIFICATE OF SERVICE

I, Tamar B. Kelber, state that on August 11, 2022, I served the foregoing Notice of Appearance and Defendant Trek Bicycle Corporation's Answer and Affirmative Defenses to Plaintiff's Complaint at Law upon the party and counsel listed above by U.S. mail.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

GASS TUREK LLC
Attorneys for Defendant
Trek Bicycle Corporation.

/s/Tamar B. Kelber
Tamar B. Kelber
ARDC No. 6225308
Richard T. Orton
ARDC No. 6309840
241 North Broadway Avenue, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300 – phone
(414) 224-6116 – fax
kelber@gassturek.com
orton@gassturek.com

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED

8/11/2022 4:48 PM

IRIS Y. MARTINEZ

CIRCUIT CLERK

Firm I.D. NO. 50514

COOK COUNTY, IL

2022L005837

Calendar, F

19056306

RTO/TBK

59142/59514

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSE ZUNIGA)	
)	
Plaintiff,	)	Case No. 2022 L 005837
)	
V.)	
)	
TREK BICYCLE CORPORATION and)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY)	
)	
Defendants.)	

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Tamar B. Kelber of Gass Turek LLC appears as counsel for Defendant Trek Bicycle Corporation in this action. A copy of all papers in this action should be served upon Attorney Tamar B. Kelber at the address stated below.

Dated this 11th day of August, 2022.

GASS TUREK LLC

Attorneys for Defendant Trek Bicycle Corporation

/s/Tamar B. Kelber

Tamar B. Kelber

ARDC No. 6225308

241 North Broadway Avenue, Suite 300
 Milwaukee, Wisconsin 53202

(414) 223-3300 – phone

(414) 224-6116 – fax

kelber@gasszurek.com

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

RTO/TBK

59142/59514

FILED
 8/29/2022 4:45 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 Firm I.D. ~~NO 59514~~
 COOK COUNTY, IL
 2022L005837

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA)
 Plaintiff,) Case No. 2022 L 005837
 v.)
 TREK BICYCLE CORPORATION and)
 JOHN SHERMAN GOTSCHELL d/b/a)
 VILLAGE CYCLERY)
 Defendants.)

NOTICE OF FILING

TO: Brian T. Monico
 Hale Monico
 53 W. Jackson Blvd., Ste. 337
 Chicago, IL 60604
BTM@HaleMonico.com

I, Richard T. Orton, state that on August 29, 2022, I electronically filed a Notice of Appearance with the Clerk of the Circuit Court for Cook County, Illinois.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/Richard T. Orton

Richard T. Orton

CERTIFICATE OF SERVICE

I, Richard T. Orton, state that on August 29, 2022, I served the foregoing Notice of Appearance upon the party and counsel listed above by U.S. mail.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

GASS TUREK LLC
Attorneys for Defendant
Trek Bicycle Corporation.

/s/Richard T. Orton
Richard T. Orton
ARDC No. 6309840
241 North Broadway Avenue, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300 – phone
(414) 224-6116 – fax
orton@gassturek.com

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED

8/29/2022 4:45 PM

IRIS Y. MARTINEZ

CIRCUIT CLERK

Firm I.D. NO. 50514

COOK COUNTY, IL

2022L005837

Calendar, F

19282745

RTO/TBK

59142/59514

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSE ZUNIGA)	
)	
Plaintiff,	)	Case No. 2022 L 005837
)	
V.)	
)	
TREK BICYCLE CORPORATION and)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY)	
)	
Defendants.)	

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Richard T. Orton of Gass Turek LLC appears as counsel for Defendant Trek Bicycle Corporation in this action. A copy of all papers in this action should be served upon Attorney Richard T. Orton at the address stated below.

Dated this 29th day of August, 2022.

GASS TUREK LLC

Attorneys for Defendant Trek Bicycle Corporation

/s/ Richard T. Orton

Richard T. Orton

ARDC No. 6309840

241 North Broadway Avenue, Suite 300
 Milwaukee, Wisconsin 53202

(414) 223-3300 - phone

(414) 224-6116 - fax

orton@gasszurek.com

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

RTO/TBK

FILED
 11/21/2022 1:51 PM
 Firm I.D. IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 20388257

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA)

Plaintiff,) Case No. 2022 L 005837
) Calendar F

v.)

TREK BICYCLE CORPORATION and)
 JOHN SHERMAN GOTSCHELL d/b/a)
 VILLAGE CYCLERY)

Defendants.)

**VERIFIED STATEMENT OF OUT-OF-STATE ATTORNEY
 PURSUANT TO ILLINOIS SUPREME COURT RULE 707**

I, David J. Turek, submit this Verified Statement pursuant to Illinois Supreme Court Rule 707.

1. My full name is David J. Turek. The address of offices from which I practice law and related email address and telephone numbers are as follows:

Gass Turek LLC
 241 North Broadway, Suite 300
 Milwaukee, WI 53202
 (414) 224-3445
 (414) 224-6116 (Facsimile)
[turek@gasssurek.com](mailto:turek@gassturek.com)

2. I represent Trek Bicycle Corporation in *Zuniga v. Trek Bicycle Corporation, et al.*, Court No. 2022 L 005837 (Cook County, Illinois).
- 3(a). I have not filed any other appearance pursuant to this rule during this calendar year.
- 3(b). My ARDC registration number is 6331186.
- 4(a). I list each jurisdiction of admission, including any state, territory, or commonwealth of the United States, the District of Columbia, or in a foreign country, and my full admission name and license number: State of Wisconsin, State Bar Number 1035356.

22 L 5837

4(b). I attach a letter or certificate of good standing for each of the jurisdictions listed in paragraph 4(a) above.

5. I have no office or other presence in Illinois for the practice of law.
6. I submit to the disciplinary authority of the Supreme Court of Illinois;
7. I have undertaken to become familiar with and to comply, as if admitted to practice in Illinois, with the rules of the Supreme Court of Illinois, including the Illinois Rules of Professional Conduct and the Supreme Court Rules on Admission and Discipline of Attorneys, and other Illinois law and practices that pertain to the proceeding;
8. The full name, business address and ARDC number of the Illinois attorney with whom I have associated in the matter is:

Tamar B. Kelber
241 North Broadway, Suite 300
Milwaukee, WI 53202
(414) 224-7781
(414) 224-6116 (Facsimile)
kelber@gassturek.com
ARDC No. 6225308

9. I certify that I have served this Statement upon Clerk of Circuit Court of Cook County, Illinois, Plaintiffs and Defendants in the above-referenced case and that these parties are all entitled to service under this rule.

Verification

I verify the accuracy and completeness of each of the above statements.



David J. Turek

Certificate of Service

I hereby certify that a copy of the foregoing was filed with court via Odyssey eFileIL and served on all counsel of record in this case via e-mail on this 10th day of November, 2022.



Tamar B. Kelber



Sheila T. Reiff
Clerk

WISCONSIN SUPREME COURT

OFFICE OF THE CLERK

110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

FILED DATE: 11/21/2022 1:51 PM 2022L005837

CERTIFICATE OF GOOD STANDING

*I, Christopher J. Paulsen, Chief Deputy Clerk of the Supreme Court of Wisconsin
certify that the records of this office show that:*

DAVID J. TUREK

*was admitted to practice as an attorney within this state on May 20, 2002 and is
presently in good standing in this court.*

Dated: October 14, 2022

Christopher J. Paulsen
CHARISTOPHER J. PAULSEN
Chief Deputy Clerk of Supreme Court

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED
 2/24/2023 12:08 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 21613696

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)	
)	
Plaintiff,)	
)	
v.	)	No. 2022L005837
)	
TREK BICYCLE CORPORATION,)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY,)	
)	
Defendants.)	

NOTICE OF AGREED ROUTINE MOTION TO DISMISS

On February 27, 2023 at 8:45 a.m. I shall electronically submit the attached: Plaintiff's Routine Motion to Dismiss to the Honorable Judge Moira Susan Johnson via email address: LAW.CALfcc@cookcountyl.gov

To respond or object to this Motion, please email response or objection to LAW.CALfcc@cookcountyl.gov after 10:00 a.m. on the date set forth above, with a cc to all attorneys of record as listed here:

David J. Turek, Gass Turek LLC, 241 North Broadway, Suite 300, Milwaukee, WI 53202
 414-223-3300; turek@gassturek.com

Daniel J. Nolan, O'Hagan Meyer, One East Wacker, Ste. 3400, Chicago, IL 60601
 312-422-6100; DNLan@ohaganmeyer.com

Brian T. Monico, Hale & Monico, LLC, 53 W. Jackson Blvd., Suite 330
 Chicago, IL 60604; btm@halemonico.com

If no response or objection is emailed before 4:00 PM on the date set forth above, the Court will rule on the Motion and enter an order.

PROOF OF SERVICE

Under penalties as provided by law, pursuant to 735 ILCS 5/1-109, the undersigned certifies that a true and accurate copy of this notice and motion was served upon the parties of record identified above through e-mail on February 24, 2023

Lisa Demma

HALE & MONICO, LLC Atty No. 63360
 53 W. Jackson Blvd., Suite 330
 Chicago, IL 60604
 312-870-6901
btm@halemonico.com

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.) No. 2022L005837
TREK BICYCLE CORPORATION,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY,)
Defendants.)

AGREED VOLUNTARY DISMISSAL ORDER

THIS MATTER COMING BEFORE THE COURT, with the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. Pursuant to 735 ILCS 5/2-1009, Plaintiff hereby voluntarily dismisses Defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, without prejudice, with all parties to bear their own costs and attorneys' fees, and costs to be assessed only upon re-filing.
2. This cause of action is still proceeding against the remaining Defendant, TREK BICYCLE CORPORATION.

ENTERED: JUDGE:

DATE: _____

Prepared By:

Brian Monico

53 W. Jackson Blvd. Ste. 334

Chicago IL 60604

312-341-9646

BTM@HaleMonico.com

Atty No. 63360

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)	
)	
Plaintiff,)	
)	
v.	)	No. 2022L005837
)	
TREK BICYCLE CORPORATION,)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY,)	
)	
Defendants.)	

FILED
 2/24/2023 12:08 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 21613696

**MOTION TO VOLUNTARILY DISMISS, DEFENDANT, JOHN SHERMAN
 GOTSCHELL d/b/a VILLAGE CYCLERY**

Plaintiff, JOSE ZUNIGA, by and through his attorneys, HALE & MONICO, LLC, move this Court to voluntarily dismiss this case against defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, without prejudice. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs seek to voluntarily dismiss this case without prejudice pursuant to 735 ILCS 5/2-1009 against the defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY.
2. This cause of action shall still proceed against the remaining Defendant, TREK BICYCLE CORPORATION.

WHEREFORE, Plaintiffs request this Honorable Court to enter an Order voluntarily dismissing the Defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY and remain pending against Defendant TREK BICYCLE.

Respectfully submitted,

By: s/Brian T. Monico
 One of Plaintiffs' Attorneys

Brian Monico
 HALE & MONICO, LLC
 53 W. Jackson Blvd. Ste. 334
 Chicago IL 60604
 312-341-9646
BTM@HaleMonico.com
 Atty No. 63360

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED
 2/24/2023 12:08 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 21613696

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)	
)	
Plaintiff,)	
)	
v.	)	No. 2022L005837
)	
TREK BICYCLE CORPORATION,)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY,)	
)	
Defendants.)	

NOTICE OF AGREED ROUTINE MOTION TO DISMISS

On February 27, 2023 at 8:45 a.m. I shall electronically submit the attached: Plaintiff's Routine Motion to Dismiss to the Honorable Judge Moira Susan Johnson via email address: LAW.CALfcc@cookcountyl.gov

To respond or object to this Motion, please email response or objection to LAW.CALfcc@cookcountyl.gov after 10:00 a.m. on the date set forth above, with a cc to all attorneys of record as listed here:

David J. Turek, Gass Turek LLC, 241 North Broadway, Suite 300, Milwaukee, WI 53202
 414-223-3300; turek@gassturek.com

Daniel J. Nolan, O'Hagan Meyer, One East Wacker, Ste. 3400, Chicago, IL 60601
 312-422-6100; DNLan@ohaganmeyer.com

Brian T. Monico, Hale & Monico, LLC, 53 W. Jackson Blvd., Suite 330
 Chicago, IL 60604; btm@halemonico.com

If no response or objection is emailed before 4:00 PM on the date set forth above, the Court will rule on the Motion and enter an order.

PROOF OF SERVICE

Under penalties as provided by law, pursuant to 735 ILCS 5/1-109, the undersigned certifies that a true and accurate copy of this notice and motion was served upon the parties of record identified above through e-mail on February 24, 2023

Lisa Demma

HALE & MONICO, LLC Atty No. 63360
 53 W. Jackson Blvd., Suite 330
 Chicago, IL 60604
 312-870-6901
btm@halemonico.com

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.) No. 2022L005837
TREK BICYCLE CORPORATION,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY,)
Defendants.)

AGREED VOLUNTARY DISMISSAL ORDER

THIS MATTER COMING BEFORE THE COURT, with the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. Pursuant to 735 ILCS 5/2-1009, Plaintiff hereby voluntarily dismisses Defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, without prejudice, with all parties to bear their own costs and attorneys' fees, and costs to be assessed only upon re-filing.
2. This cause of action is still proceeding against the remaining Defendant, TREK BICYCLE CORPORATION.

ENTERED: JUDGE:

DATE: _____

Prepared By:

Brian Monico

53 W. Jackson Blvd. Ste. 334

Chicago IL 60604

312-341-9646

BTM@HaleMonico.com

Atty No. 63360

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)	
)	
Plaintiff,)	
)	
v.	)	No. 2022L005837
)	
TREK BICYCLE CORPORATION,)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY,)	
)	
Defendants.)	

FILED
 2/24/2023 12:08 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 21613696

**MOTION TO VOLUNTARILY DISMISS, DEFENDANT, JOHN SHERMAN
 GOTSCHELL d/b/a VILLAGE CYCLERY**

Plaintiff, JOSE ZUNIGA, by and through his attorneys, HALE & MONICO, LLC, move this Court to voluntarily dismiss this case against defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, without prejudice. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs seek to voluntarily dismiss this case without prejudice pursuant to 735 ILCS 5/2-1009 against the defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY.
2. This cause of action shall still proceed against the remaining Defendant, TREK BICYCLE CORPORATION.

WHEREFORE, Plaintiffs request this Honorable Court to enter an Order voluntarily dismissing the Defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY and remain pending against Defendant TREK BICYCLE.

Respectfully submitted,

By: s/Brian T. Monico
 One of Plaintiffs' Attorneys

Brian Monico
 HALE & MONICO, LLC
 53 W. Jackson Blvd. Ste. 334
 Chicago IL 60604
 312-341-9646
BTM@HaleMonico.com
 Atty No. 63360

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA,)
Plaintiff,)
v.) No. 2022L005837
TREK BICYCLE CORPORATION,)
JOHN SHERMAN GOTSCHELL d/b/a)
VILLAGE CYCLERY,)
Defendants.)

AGREED VOLUNTARY DISMISSAL ORDER

THIS MATTER COMING BEFORE THE COURT, with the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. Pursuant to 735 ILCS 5/2-1009, Plaintiff hereby voluntarily dismisses Defendant, JOHN SHERMAN GOTSCHELL d/b/a VILLAGE CYCLERY, without prejudice, with all parties to bear their own costs and attorneys' fees, and costs to be assessed only upon re-filing.
2. This cause of action is still proceeding against the remaining Defendant, TREK BICYCLE CORPORATION.

ENTERED: JUDGE: MMJ/83

DATE: _____

Prepared By:

Associate Judge Moira S. John 201

Brian Monico

Erica Morris
53 W. Jackson Blvd. Ste. 334
Chicago IL 60604

Chicago IL 606
312 341 0646

312-341-9646

BIM@HaleMonico.com

Atty No. 63360

FFB 27.2023

Circuit Court - 1825

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED
 3/20/2023 12:57 PM
 KRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

JOSE ZUNIGA	)	Calendar, F
	)	21933320
Plaintiff,	)	Case No. 2022 L 005837
	)	Calendar F
v.)	
)	
TREK BICYCLE CORPORATION)	
)	
Defendant.)	

NOTICE OF MOTION

To: Brian T. Monico
 Hale & Monico
 53 W. Jackson Blvd., Suite 337
 Chicago, Illinois 60604
 BTM@HaleMonico

On March 23, 2023 at 9:30 am I shall electronically submit Defendant Trek Bicycle Corporation's Motion to Compel Responses to Interrogatories and Requests for Production to Judge Moira Susan Johnson via the following email address: law.calfcc@cookcountyl.gov and will request that the Court enter an order (a) requiring Plaintiff to provide full and complete responses to Trek's Rule 213 Interrogatories and Rule 214 Requests for Production; (b) declare that Zuniga's objections to those requests are waived; and (c) award Trek its costs and fees in relation to this Motion.

/s/Tamar B. Kelber
 Attorney for Trek Bicycle Corporation

Tamar B. Kelber
 ARDC No. 6225308
 David J. Turek (*pro hac vice*)
 ARDC No. 6331186
 GASS TUREK LLC
 241 N. Broadway, Suite 300
 Milwaukee, Wisconsin 53202
 (414) 223-3300
kelber@gasszurek.com
turek@gasszurek.com

22 L 5837

PROOF OF SERVICE VIA ELECTRONIC MAIL

I, Diane Paszkiewicz, being first duly on oath, deposes and says the attached Defendant Trek Bicycle Corporation's Motion to Compel Responses to Interrogatories and Requests for Production was served on the above-referenced parties by electronic mailing a copy of same before 5:00 pm from 241 N. Broadway, Suite 300, Milwaukee, Wisconsin, on the 20th day of March, 2023.

/s/Diane Paszkiewicz

[x] Under penalties as provided by
Law pursuant to 735 ILCS § 5/1-109
I certify that the statements set forth
herein are true and correct

Hearing Date: No hearing scheduled
 Location: <<CourtRoomNumber>>
 Judge: Calendar, F

FILED
 3/20/2023 12:57 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L005837
 Calendar, F
 21933320

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA)	
)	
)	
Plaintiff,		Case No. 2022 L 005837
	)	Calendar F
v.)	
)	
TREK BICYCLE CORPORATION)	
)	
Defendant.)	

**DEFENDANT TREK BICYCLE CORPORATION'S MOTION TO COMPEL RESPONSES
 TO INTERROGATORIES AND REQUESTS FOR PRODUCTION**

NOW COMES Defendant, TREK BICYCLE CORPORATION (“TREK”), by and through its attorneys, Gass Turek LLC, and hereby requests that the Court enter an order (1) compelling Plaintiff JOSE ZUNIGA to respond to TREK’s long overdue Rule 213 Interrogatories; and (2) compelling Plaintiff JOSE ZUNIGA to respond to TREK’s long overdue Rule 214 Requests for Production. In support of this Motion, TREK states:

1. On June 29, 2022, ZUNIGA filed this action claiming he was injured after falling from a Trek 820 bicycle. The Complaint does not specify how ZUNIGA was injured, what was allegedly wrong with the bicycle, or provide any meaningful information about his claim.
2. To obtain that needed foundational information, on October 4, 2022, TREK served its Supreme Court Rule 213 Interrogatories on Plaintiff JOSE ZUNIGA via his counsel of record. A true and correct copy of the Interrogatories is attached as **Exhibit A**. On the same day, TREK served its Supreme Court Rule 214 Requests for Production on Plaintiff JOSE ZUNIGA via his counsel of record. A true and correct copy of the Requests for Production is attached as **Exhibit B**.
3. ZUNIGA’s answers to these requests were due on November 1, 2022. To date, however, ZUNIGA has failed to provide any responses to Trek’s requests, which are nearly **five months overdue**.

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4. ZUNIGA's counsel made several promises to provide the responses, none of which were met. On November 16, 2022, ZUNIGA's counsel promised to "get [TREK] answers to the discovery next week" (i.e., by November 25) (**Exhibit C**). That did not happen. When TREK's counsel followed up, ZUNIGA's counsel responded on November 28, 2022 that the "goal is to get them to you by the end of the week" (i.e., by December 2) (**Exhibit D**). That also did not happen.

5. On December 15, 2022, pursuant to Rule 201(k), TREK's counsel spoke with ZUNIGA's counsel about his client's overdue discovery. ZUNIGA's counsel represented that he was leaving for a holiday vacation, but said the responses just needed to be reviewed before being finalized.

6. On January 4, 2023, TREK's counsel inquired about the status of the responses by email. (**Exhibit E**). Once again, ZUNIGA's counsel did not have the courtesy of responding.

7. On February 24, 2023, TREK's counsel demanded ZUNIGA provide the long-overdue responses by March 1 or face a motion to compel. On March 2, 2023, ZUNIGA's counsel responded that he provided the responses to his client for signature, but he had not yet received a signed copy from his client. (**Exhibit F**).

8. After continued silence, TREK's counsel followed up again with multiple emails checking on the status of the overdue responses (**Exhibit G**). ZUNIGA's counsel continued to ignore TREK's inquiries.

9. Enough is enough. The Court should not permit any party to derail the litigation process by refusing to provide timely responses and ignoring multiple requests for the responses. The Court should compel ZUNIGA to provide timely responses, declare that any objections to those responses are waived, and order ZUNIGA to pay the costs and fees associated with filing this Motion.

WHEREFORE, Defendant TREK BICYCLE CORPORATION requests that the Court grant its Motion to Compel and order (a) Plaintiff JOSE ZUNIGA to provide full and complete responses to

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TREK's Rule 213 Interrogatories and Rule 214 Requests for Production; (b) declare that ZUNIGA's objections to the requests are waived; and (c) award TREK its costs and fees for preparing this motion due to ZUNIGA's repeated disregard for deadlines and the rules of civil procedure.

Respectfully submitted,

/s/Tamar B. Kelber
Attorney for Trek Bicycle Corporation

Tamar B. Kelber
ARDC No. 6225308
David J. Turek (pro hac vice)
ARDC No. 6331186
GASS TUREK LLC
241 N. Broadway, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300
kelber@gassturek.com
turek@gassturek.com

Exhibit A

Exhibit A

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA)	
)	
Plaintiff,	)	Case No. 2022 L 005837
	)	Calendar F
v.)	
)	
TREK BICYCLE CORPORATION and)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY)	
)	
Defendants.)	

**DEFENDANT TREK BICYCLE CORPORATION'S
SUPREME COURT RULE 213 INTERROGATORIES**

To: Jose Zuniga
c/o Brian T. Monico
Hale & Monico, LLC
53 W. Jackson Boulevard, Suite 330
Chicago, Illinois 60604

NOW COMES Defendant, TREK BICYCLE CORPORATION ("TREK"), by and through its attorneys, Gass Turek LLC, and, hereby propounds the following Interrogatories, to be answered under oath by Plaintiff within twenty-eight (28) days, pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of Court:

DEFINITIONS AND INSTRUCTIONS

- (a) The answering party is required to respond within twenty-eight (28) days by serving answers upon GASS TUREK LLC, 241 N. Broadway, Suite 300, Milwaukee, Wisconsin 53202. If additional time is required, please personally consult with the above-mentioned attorneys to reach an accord.
- (b) As a courtesy, we have provided space for a written answer; if there is not sufficient space for an answer, continue the answer on the back side of the page, numbering appropriately.
- (c) Or, in the alternative, the answering party shall set forth in full each interrogatory being answered immediately preceding the answer.
- (d) If you do not know an answer but know an individual who has knowledge of the answer,

please identify that person.

- (e) If your answer to an interrogatory refers to a document, please identify that document with particularity.
- (f) Pursuant to Illinois Supreme Court Rule 213(i), these Interrogatories are continuing in nature and you must seasonably supplement or amend your whenever new or additional information becomes known.
- (g) To identify a person, please state the person's full name, occupation, position, full address, including zip code and telephone number.
- (h) The term "Bicycle" means the TREK 820 bicycle, serial number WTU221LK0068P, referred to specifically in Paragraph 2 of Plaintiff's Complaint.
- (i) The term "Occurrence" means the occurrence on July 1, 2020 described in further detail in Plaintiff's Complaint and which serves as the basis for this lawsuit.

INTERROGATORIES

1. State your full name and all other names by which you have ever been known, your address, date of birth, Social Security Number and your approximate height and weight.

ANSWER:

- 2. Have you ever been married? If so, state:
 - a) The date of each marriage;
 - b) The name and present address of each person you have been married to;
 - c) Whether the marriage has been terminated and if so, the method of termination; and
 - d) The names, ages and addresses of all children born of each marriage.

ANSWER:

3. Identify all persons with knowledge of the alleged condition of the Bicycle or the events and claims described in the Complaint at Law, including but not limited to any witnesses to the Occurrence, anyone who was on the scene of the Occurrence immediately before or after the Occurrence, and/or anyone with knowledge of the injuries you suffered as a result of the Occurrence. For each person, state his or her:

- (a) name;
- (b) address;
- (c) phone number; and

(d) the subject matter of the person's knowledge.

ANSWER:

4. State whether you were employed during the five years immediately prior to the date of the Occurrence and, if so, state the names and addresses of each employer, the dates on which you were employed by each, your title, and your rate of pay.

ANSWER:

5. Describe in general the personal injuries sustained by you as a result of the Occurrence, and for each injury state:

- (a) The name and address of each attending physician who treated you for any of the described injuries;
- (b) The name and address of each physician you have consulted in relation to any of the described injuries;
- (c) The name and address of each person or laboratory taking an x-ray of you;
- (d) The date or inclusive dates on which each of physician, nurse, physician's assistant, medical provider, or caregiver rendered you service;
- (e) The date or inclusive dates on which you were patient or outpatient in any hospital and/or clinic, the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their service;
- (f) The amounts to date of any and all medical bills related to the Occurrence;
- (g) From which of them do you have written reports.

ANSWER:

6. Between the date you acquired the Bicycle and the date of the Occurrence, did you modify or alter the Bicycle in any way? If yes, please briefly describe all such modifications or alterations and provide the date each modification or alteration was made.

ANSWER:

7. As the result of any personal injuries related to the Occurrence, were you unable to work? If so, state:

- (a) The name and address of your employer, if any, at the time you were unable to work;
- (b) The date or inclusive dates on which you were unable to work;
- (c) The specific amount of any wage or income loss claimed by you in relation to the Occurrence, and
- (d) The name and address of your present employer, if any.

ANSWER:

8. Have you sustained any injuries or illnesses subsequent to the date of the Occurrence? If so, state for each injury:

- a) The date of the injury or illness;
- b) The place where the injury or illness occurred;
- c) How the injury or illness occurred;
- d) A brief description of the injury or illness; and
- e) The name and address of the attending physician, nurse, physician's assistant, medical provider, or caregiver who provided assistance in relation to such injury(ies).

ANSWER:

9. State any and all expenses and economic losses you are seeking in this lawsuit as the result of the Occurrence.

ANSWER:

10. During the ten years immediately prior to the Occurrence, were you treated in a hospital, treated by a physician, or x-rayed for any reason? If so, please give the name and address of each such hospital, physician, technician or clinic, the approximate date of each such treatment or service and state, in general, the reason for such treatment or service.

ANSWER:

11. If you were insured under a policy of insurance providing for payment of your

medical expenses, or any part thereof, as a result of the Occurrence, and if you presented a claim under that policy of insurance, provide the name and address of the insurance carrier, the name of the insured, and the policy number pertaining to such insurance.

ANSWER:

12. Have you ever filed any other lawsuit or any workers compensation claim? If so, identify the court in which such lawsuit or claim was filed, the year filed, the title and docket number of any identified lawsuit or claim.

ANSWER:

13. Did you obtain any statements, oral or written, from any witness and/or expert related to the Occurrence? If so, state the number of statements taken, whether the statement was written or oral, the name and address of each such witness and/or expert, the date of said statement, and whether any such statement will be withheld and for what reason.

ANSWER:

14. Describe all facts and observations in support of or related to your allegation that the “[B]icycle broke apart,” including the identification of all component(s) that broke, how they broke, and your contention as to why they broke.

ANSWER:

15. Were you wearing a helmet at the time of the Occurrence? If so, please identify the manufacturer and model of that helmet and describe its present location.

ANSWER:

16. Identify all facts and documents that support your allegation in the Complaint at Law that the “[B]icycle was in a defective and unreasonably dangerous condition” immediately before the Occurrence.

ANSWER:

17. Identify all facts and documents that support your allegation in the Complaint at Law that the Bicycle was “designed, manufactured, distributed and sold with insufficient strength to keep from breaking apart.”

ANSWER:

18. Identify all facts and documents that support your allegation in the Complaint at Law that the Bicycle was “designed, manufactured, distributed and sold without any warning that it could break apart during intended and/or reasonably foreseeable use.”

ANSWER:

19. From the date you acquired the Bicycle until the date of the Occurrence, did you have the Bicycle serviced, maintained, repaired, inspected, fitted, or handled by any person or entity? If yes, please identify all such persons and/or entities, briefly describe the work or handling they performed, and identify when and where such work or handling took place.

ANSWER:

20. Identify all facts and documents that support your allegation in the Complaint at Law that TREK was negligent in the design, manufacture, distribution, sale, or warnings

ANSWER:

21. Where is the Bicycle currently located and who has possession of it?

ANSWER:

22. Do you have a bicycle computer (e.g. a Garmin) for the Bicycle or were you wearing an activity tracker or wearable monitoring device at the time of the Occurrence? If yes, please identify such devices and describe its/their current locations.

ANSWER:

23. Have any consultants, engineers, experts, or attorneys examined or tested the Bicycle since the Occurrence? If yes, please identify all such individuals describe the testing and any results.

ANSWER:

24. Do you contend that any injuries from the Occurrence will (a) be permanent; or (b) persist for at least the next ten (10) years? If so, please describe those injuries, identify the healthcare professional who diagnosed those injuries, and identify any treatment planned within the next 12 months to address those injuries.

ANSWER:

25. Identify all social media platforms to which you have posted any content (e.g., pictures, videos, text) since July 1, 2020 and include your screen name or username for each such account.

ANSWER:

Respectfully Submitted,
GASS TUREK, LLC

s/Tamar B. Kelber

Attorneys for Defendant,
TREK BICYCLE CORPORATION

Tamar B. Kelber
ARDC No. 6225308
Richard T. Orton
ARDC No. 6309840
241 North Broadway Avenue, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300 – phone
(414) 224-6116 – fax
kelber@gasszurek.com
orton@gasszurek.com

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Certificate of Service

The undersigned, an attorney, on oath, states that she served the foregoing DEFENDANT TREK BICYCLE CORPORATION'S SUPREME COURT RULE 213 INTERROGATORIES to the attorneys appearing of record in this case at their respective addresses via electronic mail before the hour of 5:00 pm on **October 4, 2022** and also served a copy of these requests by U.S. Mail to Plaintiff's counsel, Brian T. Monico, Hale & Monico, LLC, 53 W. Jackson Boulevard, Suite 330, Chicago, Illinois 60604.

s/Tamar B. Kelber
Attorneys for Defendant,

TREK BICYCLE CORPORATION

[X] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110 §1-109, I certify that the statements set forth herein are true and correct.

Exhibit B

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSE ZUNIGA)	
)	
Plaintiff,	)	Case No. 2022 L 005837
	)	Calendar F
v.)	
)	
TREK BICYCLE CORPORATION and)	
JOHN SHERMAN GOTSCHELL d/b/a)	
VILLAGE CYCLERY)	
)	
Defendants.)	

**DEFENDANT TREK BICYCLE CORPORATION'S
SUPREME COURT RULE 214 REQUESTS FOR PRODUCTION**

To: Jose Zuniga
c/o Brian T. Monico
Hale & Monico, LLC
53 W. Jackson Boulevard, Suite 330
Chicago, Illinois 60604

NOW COMES Defendant, TREK BICYCLE CORPORATION ("TREK"), by and through its attorneys, Gass Turek LLC, and hereby propounds the following Requests for Production, to be answered by Plaintiff within twenty-eight (28) days, pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of Court:

INSTRUCTIONS

- (a) The answering party is required to respond within twenty-eight (28) days by serving its answers and responsive documents upon GASS TUREK LLC, 241 N. Broadway, Suite 300, Milwaukee, Wisconsin 53202. If additional time is required, please personally consult with the above-mentioned attorneys to reach an accord.
- (b) As used in the following Requests, the term "Document" is used in the broadest possible sense and refers, without limitation, to the originals (or any copies when originals are not available) and any non-identical copies (whether different from the originals or otherwise), of any written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communication or representation of every kind and description, including, but not limited to, writings, correspondence, notes, minutes, records, messages and internal memoranda,

diaries, calendars, receipts, reports, compilations, studies, summaries, analyses, tables and tabulations, graphs, working papers, tallies, maps, diagrams, charts, plans, photographs, pictures, drawings, file and file folder tabs associated with each original or copy, phone records, e-mail, text messages or any other computer-stored or computer-readable data, computer printouts, teletype messages and other communications, all other data compilations from which information or communications can be obtained or translated, if necessary, by the Defendant through detection devices into reasonably usable form, and any preliminary versions, drafts or revisions of any of the foregoing. The term "document" includes all electronically and magnetically stored information.

- (c) As used in the following Requests, the term "Communication" means any oral, written, electronic or other transfer of information, facts, ideas, opinions, thoughts or inquiries by any means, from or to any person or thing. To "communicate" means to participate (whether orally, in writing or electronically) in the transfer of information, facts, ideas, opinions, thoughts or inquiries by any means, from or to any person or thing.
- (d) As used in the following Requests, the terms "relate to," "related to," and "relating to" mean comprising, mentioning or describing, containing, enumerating, involving or in any way concerning, pertaining or referring to, being connected with, reflecting upon or resulting from, in whole or in part, directly or indirectly, the stated subject matter.
- (e) As used in the following Requests, the term "Bicycle" means the TREK 820 bicycle, serial number WTU221LK0068P, referred to specifically in Paragraph 2 of the Complaint at Law.
- (f) As used in the following Requests, the term "Occurrence" means the occurrence on July 1, 2020 described in further detail in the Complaint at Law and which serves as the basis for this lawsuit.

REQUESTS FOR PRODUCTION

1. Any and all photographs, videos, or other recorded or visual depictions of the Bicycle or any of its components. To be clear, this request seeks both *pre*-Occurrence and *post*-Occurrence photographs of the Bicycle and of any of its components.

2. Any and all photographs of the scene of the Occurrence, or any of the persons, instrumentalities, surrounding locale, or any other matter or thing involved in connection with the Occurrence.

3. Any and all written statements given to, or made by, any person in relation to the Occurrence, including any witnesses to the Occurrence or events related to the Occurrence.

4. Any and all medical and/or hospital bills for services, and any hospital and/or medical records, including all reports, statements, or opinion letters by each physician or practitioner of any healing art who has seen or treated you, for any physical or mental injury, complaint, or condition that is claimed to be related to the Occurrence.

5. Any and all hospital and/or medical records and reports, statements, opinion letters

by each physician or practitioner of any healing art pertaining to any physical or mental condition or medical treatment of you for a period of ten years immediately preceding the Occurrence up to the present time.

6. Complete, accurate, and legible copies of your federal income tax returns for the period of three years preceding the Occurrence through the present.

7. Complete, accurate, and legible copies of all wage receipts, pay-stubs, W-2 statement, or other written documents evidencing your income for the period of three years preceding the Occurrence through the present.

8. Complete copies of your employment records for a period beginning five years preceding the Occurrence through the present, including any applications, Workers' Compensation records, payroll records, collective bargaining agreements, and any other documents which relate to such employment.

9. Any and all Documents, including but not limited to reports, notes, field sketches, diagrams, correspondence or photographs, that related to any activity, analysis or basis in connection with any and all opinions formulated by any and all experts that Plaintiff has identified pertaining to the Bicycle, the Occurrence or any matter relevant to this litigation.

10. Any and all Documents identified in response to, or otherwise consulted when, answering TREK's Interrogatories served contemporaneously with these Requests.

11. Any and all Documents related to your purchase or acquisition of the Bicycle.

12. Any and all instruction manuals and user manuals related to the Bicycle or any of its components.

13. Any and all marketing, advertising, and promotional materials related to the Bicycle.

14. Any and all Documents related to any pre-purchase research, investigation, assessment, and analysis of the Bicycle or any other bicycle you considered prior to purchasing the Bicycle.

15. Any and all Communications between you and any person describing, discussing, or otherwise related to the Occurrence.

16. Any and all Documents related to any repairs, service, maintenance, inspections, or fittings of the Bicycle before and after the Occurrence.

17. Any and all Documents related to your allegation that the "[B]icycle broke apart."

18. Any and all Documents related to your allegation that the "[B]icycle was in a defective and unreasonably dangerous condition" immediately before the Occurrence.

19. All Documents related to your allegation that the Bicycle was "designed, manufactured, distributed and sold with insufficient strength to keep from breaking apart."

20. All Documents related to any postings, comments, messages, or written words you have made on social media, message boards, blogs or elsewhere on the internet related to the Bicycle, the Occurrence, or any injuries sustained in relation to the Occurrence.

21. All photographs of any injuries or damage sustained in relation to the Occurrence.

22. The Bicycle, and any parts thereof, for inspection at a mutually agreed-upon time and place.

23. Any helmet you were wearing at the time of the Occurrence for inspection at a mutually agreed-upon time and place.

24. Any bicycle computer or electronic accessory (e.g. a Garmin) for the Bicycle that would have been operating at the time of the Occurrence for inspection at a mutually agreed-upon time and place.

25. All data and reports for the date of the Occurrence from any activity tracker or wearable monitoring device you used that day.

26. All reports, opinions, conclusions or summaries, and any and all other Documents from any witness expected to render an opinion, conclusion or explanation whom you intend to call at trial, and all Documents, correspondence and records provided to the witness by the attorney for Plaintiff.

27. The author, publisher, date of publication, edition and pages to be used of any and all studies, textbooks, booklets, pamphlets, papers, treatises, journals, documents, periodicals, articles, or any written material of any kind to be relied upon by Plaintiff at trial.

28. Any and all notes, journals, or memos related to the Bicycle, the Occurrence, or the injuries and damages you allege resulted from the Occurrence.

Respectfully Submitted,

GASS TUREK, LLC

s/Tamar B. Kelber

Attorneys for Defendant,
TREK BICYCLE CORPORATION

Tamar B. Kelber
ARDC No. 6225308
Richard T. Orton
ARDC No. 6309840
241 North Broadway Avenue, Suite 300
Milwaukee, Wisconsin 53202
(414) 223-3300 – phone
(414) 224-6116 – fax
kelber@gasszurek.com
orton@gasszurek.com

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Certificate of Service

The undersigned, an attorney, on oath, states that she served the foregoing DEFENDANT TREK BICYCLE CORPORATION'S SUPREME COURT RULE 214 REQUESTS FOR PRODUCTION to the attorneys appearing of record in this case at their respective addresses via electronic mail before the hour of 5:00 pm on **October 4, 2022** and also served a copy of these requests by U.S. Mail to Plaintiff's counsel, Brian T. Monico, Hale & Monico, LLC, 53 W. Jackson Boulevard, Suite 330, Chicago, Illinois 60604.

s/Tamar B. Kelber

Attorneys for Defendant,
TREK BICYCLE CORPORATION

[X] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110 §1-109, I certify that the statements set forth herein are true and correct.

Exhibit C

From: [Brian Monico](#)
To: [David Turek](#); [Lisa Demma](#)
Cc: [Dan Nolan](#); [John Chwarzynski Jr](#); [Tamar Kelber](#); [Megan Fuller](#)
Subject: Re: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714
Date: Wednesday, November 16, 2022 4:00:05 PM
Attachments: [image001.png](#)
[image002.png](#)

We will get you answers to the discovery next week. can you please have someone send the discovery in a word document to assist in expediting the responses.

I just finished a 5 week med mal trial. I am just now answering all of my emails. We will get to dismissing your client shortly Dan. I hardly see how any of this is inconveniencing you or your client. We understand that your client did not sell the bike to my client, as I told you after our last phone call several weeks ago. I'm not interested in taking your client's deposition and if you feel it's necessary after all we have talked about to notice up a deposition then that is your choice.

We will circulate a CMO later this week.

Brian T. Monico
Hale & Monico LLC
Direct: 312-870-6901
www.HaleMonico.com

On Wed, Nov 16, 2022 at 3:45 PM David Turek <turek@gassturek.com> wrote:

Trek is in the same boat. Mr. Zuniga's responses to our discovery requests were due more than two weeks ago, and we've heard nothing. We still don't have a CMO.

Can we get some kind of response on this case? I'm happy to do a call, whatever, to get this moving, but we can't keep getting the silent treatment. If we can't get discovery responses by Thanksgiving, we'll be filing a motion to compel.

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: Dan Nolan <DNolan@ohaganmeyer.com>
Sent: Wednesday, November 16, 2022 2:50 PM
To: John Chwarzynski Jr <jwc@halemonico.com>; Brian Monico <btm@halemonico.com>
Cc: David Turek <turek@gassturek.com>; Tamar Kelber <kelber@gassturek.com>; Megan Fuller <MFuller@ohaganmeyer.com>
Subject: RE: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714

John and Brian,

You are really stringing me along here, and I'm starting to feel like it is intentional. Please advise as to the status of my client's dismissal order. As Brian should recall, you agreed that your client did not purchase the bike downstate, and I believe you also agreed that the bike was purchased after the time that my client was no longer selling bikes. If we have to file an appearance and notice the Plaintiff's deposition in order to get dismissed, we will be seeking repayment of all costs and fees.

Please advise ASAP.

Thanks,

Dan

Daniel J. Nolan

Partner

One E Wacker Dr. | Suite 3400 | Chicago | IL | 60601

PH 312.422.6100 | DIR 312.422.6123 | FX 312.422.6110

dnolan@ohaganmeyer.com

Exhibit D

From: [Brian Monico](#)
To: [David Turek](#)
Cc: [Dan Nolan](#); [Lisa Demma](#); [John Chwarzynski Jr](#); [Tamar Kelber](#); [Megan Fuller](#)
Subject: Re: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714
Date: Monday, November 28, 2022 1:41:25 PM
Attachments: [image001.png](#)
[image002.png](#)

They are being worked on. The goal is to get them to you by the end of the week.

Brian T. Monico
Hale & Monico LLC
Direct: 312-870-6901
[www.HaleMonico.com](#)

On Mon, Nov 28, 2022 at 11:21 AM David Turek <turek@gassturek.com> wrote:

Brian,

We also did not receive the discovery responses before Thanksgiving. Will you have them for us this week?

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

[www.gassturek.com](#)

From: Dan Nolan <DNLolan@ohaganmeyer.com>
Sent: Monday, November 28, 2022 11:14 AM
To: Brian Monico <btm@halemonico.com>
Cc: David Turek <turek@gassturek.com>; Lisa Demma <ld@halemonico.com>; John Chwarzynski Jr <jwc@halemonico.com>; Tamar Kelber <kelber@gassturek.com>; Megan Fuller <MFuller@ohaganmeyer.com>
Subject: RE: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714

Brian,

Attached please find a proposed agreed voluntary dismissal order for John Gotschall dba Village Cyclery.

Please let me know if you have any questions.

Thanks,

Dan

Daniel J. Nolan

Partner

One E Wacker Dr. | Suite 3400 | Chicago | IL | 60601

PH 312.422.6100 | DIR 312.422.6123 | FX 312.422.6110

dnolan@ohaganmeyer.com



Alexandria, VA ▲ Boston ▲ Charlotte ▲ Chicago ▲ Detroit ▲ Los Angeles ▲ Orange County, CA

Philadelphia ▲ Richmond ▲ San Francisco ▲ Washington, D.C. ▲ Wilmington, DE



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Exhibit E

From: [David Turek](#)
To: [Brian Monico](#)
Cc: [Dan Nolan](#); [Lisa Demma](#); [John Chwarzynski Jr](#); [Tamar Kelber](#); [Megan Fuller](#)
Subject: RE: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714
Date: Wednesday, January 4, 2023 11:02:31 AM

Brian,

I hope 2023 is off to a good start for you. When we spoke on December 15, you mentioned that the draft discovery responses were completed and you just needed to review them. I know you were heading out on vacation the week before Christmas, but I was hoping to see the responses this week. Can you get us the written responses, any photos of bike, and details about Mr. Zuniga's medical condition ASAP?

We're anxious to keep the case moving along.

Also, have you and Dan finalized the dismissal for Village Cyclery?

Thanks,

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445
www.gassturek.com

From: Brian Monico <btm@halemonico.com>
Sent: Wednesday, December 14, 2022 8:32 AM
To: David Turek <turek@gassturek.com>
Cc: Dan Nolan <DNolan@ohaganmeyer.com>; Lisa Demma <LD@halemonico.com>; John Chwarzynski Jr <jwc@halemonico.com>; Tamar Kelber <kelber@gassturek.com>; Megan Fuller <MFuller@ohaganmeyer.com>
Subject: Re: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714

I'm available Thursday at 1:00 pm

Brian Monico
312-320-6085

On Dec 13, 2022, at 4:43 PM, David Turek <turek@gassturek.com> wrote:

Brian,

Pursuant to Supreme Court Rule 201(k), we'd like to confer about Mr. Zuniga's failure to respond to Trek's interrogatories or requests for production. Please let me know your availability tomorrow or Thursday for a call. If we don't hear from you, we'll advise the Court when we file our motion to compel on Friday, December 16.

Thanks,

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: David Turek

Sent: Tuesday, December 6, 2022 7:56 AM

To: Brian Monico <btm@halemonico.com>

Cc: Dan Nolan <DNLan@ohaganmeyer.com>; Lisa Demma <ld@halemonico.com>; John Chwarzynski Jr <jwc@halemonico.com>; Tamar Kelber <kelber@gassturek.com>; Megan Fuller <MFuller@ohaganmeyer.com>

Subject: RE: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714

Brian,

We didn't get the discovery last week, after not getting them the prior time you promised before Thanksgiving. Please provide us full, complete responses by Friday or we'll move to compel.

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: Brian Monico <btm@halemonico.com>

Sent: Monday, November 28, 2022 1:41 PM

To: David Turek <turek@gassturek.com>

Cc: Dan Nolan <DNLan@ohaganmeyer.com>; Lisa Demma <ld@halemonico.com>; John Chwarzynski Jr <jwc@halemonico.com>; Tamar Kelber <kelber@gassturek.com>; Megan Fuller <MFuller@ohaganmeyer.com>

Subject: Re: [EXTERNAL] Re: Jose Zuniga v. Trek Bicycle Corporation and John Sherman Gotschall dba Village Cyclery; Our file no. 31714

Exhibit F

From: [Brian Monico](#)
To: [David Turek](#)
Cc: [Dan Nolan](#); [ld@halemonico.com](#); [Megan Fuller](#)
Subject: Re: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837
Date: Thursday, March 2, 2023 1:43:24 PM
Attachments: [image001.png](#)
[image002.png](#)

I sent the discovery to my client for signature, I have not received it back. I usually cannot reach him during the day, but I have a text and call into him, I will send it when I receive it.

Brian T. Monico
Hale & Monico LLC
Direct: 312-870-6901
[www.HaleMonico.com](#)

On Mon, Feb 27, 2023 at 10:41 AM David Turek <turek@gassturek.com> wrote:

Following up on the email below, will plaintiff commit to producing its discovery responses by March 1?

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

[www.gassturek.com](#)

From: David Turek
Sent: Friday, February 24, 2023 2:59 PM
To: Dan Nolan <DNLolan@ohaganmeyer.com>; ld@halemonico.com; btm@halemonico.com
Cc: Megan Fuller <MFuller@ohaganmeyer.com>
Subject: RE: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837
Importance: High

Lisa and Brian,

Please provide me Mr. Zuniga's discovery responses by Wednesday, March 1 otherwise we'll get our motion to compel on file. The responses are months overdue and Brian promised me the responses around the holidays.

Thanks,

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gasszurek.com

From: Dan Nolan <DNolan@ohaganmeyer.com>
Sent: Friday, February 24, 2023 2:04 PM
To: ld@halemonico.com; David Turek <turek@gasszurek.com>
Cc: Megan Fuller <MFuller@ohaganmeyer.com>
Subject: RE: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837

Thank you! Looks good to me.

Daniel J. Nolan

Partner

One E Wacker Dr. | Suite 3400 | Chicago | IL | 60601

PH 312.422.6100 | DIR 312.422.6123 | FX 312.422.6110

dnolan@ohaganmeyer.com

Exhibit G

From: [David Turek](#)
To: ["Brian Monico"](#)
Cc: ["ld@halemonico.com"](#)
Subject: RE: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837
Date: Friday, March 10, 2023 4:15:56 PM
Attachments: [image001.png](#)
[image002.png](#)

Last call for the discovery responses and requested documents. We'll be filing our motion on Monday if we don't get anything before noon.

Thanks,

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: David Turek

Sent: Tuesday, March 7, 2023 5:39 PM

To: 'Brian Monico' <btm@halemonico.com>

Cc: 'ld@halemonico.com' <ld@halemonico.com>

Subject: RE: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837

Brian,

Following up on the email below. Can you send me the documents referenced below and the even the unsigned discovery responses at this point? The responses are now four months overdue.

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: David Turek

Sent: Saturday, March 4, 2023 11:29 AM

To: 'Brian Monico' <btm@halemonico.com>

Cc: Dan Nolan <DNolan@ohaganmeyer.com>; ld@halemonico.com; Megan Fuller <MFuller@ohaganmeyer.com>

Subject: RE: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837

Thanks for the update, Brian. Please send the documents you have while you wait for your

client's signature. We'd like information about the purchase of the bike, any service of the bike, and of course any pictures of what happened to the bike. We also need authorizations for medical records. What is the total amount of the medical bills to-date?

Please provide this information early next week.

Thanks

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: Brian Monico <btm@halemonico.com>

Sent: Thursday, March 2, 2023 1:43 PM

To: David Turek <turek@gassturek.com>

Cc: Dan Nolan <DNolan@ohaganmeyer.com>; ld@halemonico.com; Megan Fuller <MFuller@ohaganmeyer.com>

Subject: Re: [EXTERNAL] Zuniga vs. Trek Bicycle, et al - Court Number: 2022 L 005837

I sent the discovery to my client for signature, I have not received it back. I usually cannot reach him during the day, but I have a text and call into him, I will send it when I receive it.

Brian T. Monico
Hale & Monico LLC
Direct: 312-870-6901
www.HaleMonico.com

On Mon, Feb 27, 2023 at 10:41 AM David Turek <turek@gassturek.com> wrote:

Following up on the email below, will plaintiff commit to producing its discovery responses by March 1?

Dave

David J. Turek | Gass Turek LLC

Direct: 414-224-3445

www.gassturek.com

From: David Turek

Sent: Friday, February 24, 2023 2:59 PM

To: Dan Nolan <DNolan@ohaganmeyer.com>; ld@halemonico.com; btm@halemonico.com